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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,703	03/30/2001	Sara H. Basson	YOR920000840US1	8039
48062 7590 03/20/2007 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824			EXAMINER MIRZA, ADNAN M	
			ART UNIT 2145	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/822,703

Applicant(s)

BASSON ET AL.

Examiner

Adnan M. Mirza

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. 2001/0025301) and further in view of Schuster et al (6,584,490).

As per claims 1,21,36 Anderson disclosed a method for prioritization of a network for one or more preferred groups, the method comprising the steps of: a) determining if network information is assigned to one or more preferred groups; and b) configuring a network to assign a higher priority to the network information when the network information is assigned to one or more preferred groups (Page. 4, Paragraph. 0043),

However Anderson did not disclose in detail, "the higher priority being relative to network information not assigned to one or more preferred groups".

Art Unit: 2145

In the same field of endeavor Schuster disclosed, “A selected low priority level would block calls from certain individuals, which calls from other individuals may be deemed important enough to set a high enough priority level to interrupt the business meeting” (col. 8, lines 58-62).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated A selected low priority level would block calls from certain individuals, which calls from other individuals may be deemed important enough to set a high enough priority level to interrupt the business meeting as taught by Schuster in the method of Anderson to reduce latency by improving priority scheduling.

4. As per claims 2,22,37 Anderson-Schuster disclosed wherein step (b) further comprises the step of marking the network information assigned to one or more of the preferred groups with a label, the label indicating that the network information is assigned to a preferred group (Anderson, Page. 4, Paragraph. 0047).

5. As per claims 3,23,38 Anderson-Schuster disclosed further comprising the step of receiving the network information; wherein step (a) further comprises the step of determining that the network information assigned to one or more of the preferred groups comprises the label (Anderson, Page. 4, Paragraph. 0040); and wherein step (b) further comprises the step of transmitting the network information assigned to one or more of the preferred groups before

Art Unit: 2145

previously received network information is sent, the previously received network information not assigned to one or more of the preferred groups (Anderson, Page. 12, Paragraph. 0157).

6. As per claims 4,24 Anderson-Schuster disclosed further comprising the step of receiving the network information; wherein step (a) further comprises the step of determining that the network information assigned to one or more of the preferred groups comprises the label; and wherein step (b) further comprises the step of assigning priority of information within a queue (Page. 5, Paragraph. 0045), wherein the queue comprises additional network information that does not have the label and that was received before the network information having the label, and wherein the network information having the label is assigned higher priority than the additional network information (Anderson, Page. 14, Paragraph. 0183).

7. As per claim 5 Anderson-Schuster disclosed wherein step (b) further comprises the step of transmitting, based on the priority, the network information having the label before the additional network information, which does not have the label, is transmitted (Anderson, Page. 14, Paragraph. 0183).

8. As per claim 6 Anderson-Schuster disclosed further comprising the step of receiving the network information; wherein step (a) further comprises the step of determining that the network information assigned to one or more of the preferred groups comprises the label; and wherein step (b) further comprises the steps of determining if there is a fast path over which the network

Art Unit: 2145

information assigned to one or more of the preferred groups can be sent (Anderson, Page. 15, Paragraph. 0189); and transmitting the network information assigned to one or more of the preferred groups over the fast path when there is a fast path (Anderson, Page. 15, Paragraph. 0195).

10. As per claims 7,39 Anderson-Schuster disclosed wherein step (b) further comprises the steps of: determining if the network information assigned to one or more of the preferred groups is being routed to or from an application running on a server; and increasing resources of the application when the application is running on a server and when the network information assigned to one or more of the preferred groups is assigned to a preferred group (Anderson, Page. 18, Paragraph. 0226-0227).

11. As per claims 8,25,40 Anderson-Schuster disclosed wherein step (a) further comprises the steps of: identifying a user; determining if a user belongs to a preferred group; and assigning network information to a preferred group when the user belongs to a preferred group (Anderson, Page. 4, Paragraph. 0040).

12. As per claim 9 Anderson-Schuster disclosed wherein step (a) further comprises the step of determining, when the user does belong to a preferred group, if the user is using an application for a preferred purpose; and wherein the step of assigning network information to a preferred group when the user belongs to a preferred group further comprises the step of assigning network

Art Unit: 2145

information to a preferred group when the user belongs to the preferred group and when the user is using an application for a preferred purpose (Anderson, Page. 19, Paragraph. 0237-0237).

13. As per claim 10 Anderson-Schuster disclosed wherein the step of assigning network information to a preferred group when the user belongs to a preferred group further comprises marking the network information with a label, indicating that the network information is assigned to a preferred group, when the user belongs to a preferred group (Anderson, Page. 19, Paragraph. 0236).

14. As per claims 11,26,41 Anderson-Schuster disclosed wherein the preferred groups comprise one or more of people with disabilities and medical professionals (Anderson, Page. 19, Paragraph 0235).

As per claims 12,27,42 Anderson-Schuster disclosed wherein step (b) further comprises the steps of determining, at a firewall, if an application is to be blocked; and blocking network information from or to the application unless the network information is assigned to a preferred group (Anderson, Page. 17, Paragraph. 0216).

15. As per claims 13,28,43 Anderson-Schuster disclosed wherein step (a) further comprises the steps of: comparing input biometric data from an individual with stored biometric data in a database; determining if the input biometric data matches the stored biometric data; and

Art Unit: 2145

determining that the network information belongs to a preferred group when the input biometric data matches the stored biometric data (Anderson, Page. 8, Paragraph 0108).

16. As per claims 14,29,44 Anderson-Schuster disclosed a method for prioritization of networks for preferred groups, the method comprising the steps of: requesting a prioritization privilege of an individual; determining, by accessing a database (Anderson, Page. 4, Paragraph. 046), the prioritization privilege of the individual; and configuring a network to assign a higher priority to network information assigned to the individual when the prioritization privilege indicates that the network information belongs to a preferred group (Anderson, Page. 4, Paragraph. 0040).

17. As per claims 15,30,45 Anderson-Schuster disclosed wherein the prioritization privilege comprises one or more of dates of use information, prioritization level information, and purpose information (Anderson, Page. 4, (Paragraph. 0039).

18. As per claims 16,31,46 Anderson-Schuster disclosed wherein the step of configuring further comprises marking the network information with a label, which indicates that the network information belongs to a preferred group, when the prioritization privilege indicates that the network information belongs to a preferred group (Anderson, Page. 19, Paragraph. 0235).

19. As per claims 17,32,47 Anderson-Schuster disclosed a method for prioritization of a network for one or more preferred groups, the method comprising the steps of: determining if an

Art Unit: 2145

individual belongs to one or more preferred groups; marking network information associated with the individual with a priority label; and configuring a network to assign a higher priority, as compared to network information not marked with a priority label, to the marked network information (Anderson, Page. 14, Paragraph. 0183).

20. As per claims 18,33,48 Anderson-Schuster disclosed wherein the step of marking network information associated with the individual with a priority label comprises the step of marking network information produced by an application the individual is using with a priority label (Anderson, Page. 14, Paragraph. 0183).

21. As per claims 19,34,49 Anderson-Schuster disclosed wherein the step of determining if an individual belongs to one or more preferred groups comprises the steps of determining if the individual exists in a database that comprises the one or more preferred groups; determining a priority privilege of the individual when the individual exists in the database (Anderson, Page. 4, Paragraph. 0045); and determining, when the individual exists in the database, if the priority privilege indicates that network information associated with the individual is to be prioritized (Anderson, Page. Paragraph. 0040).

22. As per claims 20,35,50 Anderson-Schuster disclosed wherein the step of determining if an individual exists in a database that comprises the one or more preferred groups comprises the steps of determining if biometric data entered by the individual matches biometric data for a person in the database (Anderson, Page. 8, Paragraph 0108); and determining that the person is

Art Unit: 2145

the individual and that the individual exists in the database when the biometric data entered by the individual matches biometric data for a person in the database (Anderson, Page. 8, Paragraph. 0109).

Response to Arguments

Applicant's arguments filed 12/19/2006 have been fully considered but they are not persuasive.

Response to applicant's argument is as follows.

A. Applicant argued that prior art did not disclose, "configuring a network to assign a higher priority to the network information when the network information is assigned to one or more preferred groups".

As to applicant's argument Anderson disclosed, "a packet prioritization station is provided either as an integral part of the switching station, or as an addition, such as an auxiliary expansion card or board (AEC). If embodied as an AEC, the packet prioritization station may have a bus linked to the bus of the switching station by an interrupt controller that triggers the packet prioritization station when the proper conditions are met in the switching station (Page. 4, Paragraph. 0039)".

Art Unit: 2145

B. Applicant argued that prior art did not disclose, "priorities are utilized for configuring a network to assign a higher priority to the network information when the network information is assigned to one or more preferred groups".

As to applicant's argument Schuster disclosed, "A selected low priority level would block calls from certain individuals, which calls from other individuals may be deemed important enough to set a high enough priority level to interrupt the business meeting" (col. 8, lines 58-62).

Conclusion

23. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2145

24. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

25. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on (571)-272-6159. The fax for this group is (703)-746-7239.

26. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

27. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Art Unit: 2145

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.



Adnan Mirza

Examiner



JASON CARDONE
SUPERVISORY PATENT EXAMINER